



Attorney Docket: 027/43042
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HERBERT DAMSOHN ET AL.

Serial No.: 08/743,002 Group Art Unit: 3743

Filed: NOVEMBER 1, 1996 Examiner: L. LEO

Title: HEAT EXCHANGER FOR COOLING EXHAUST GAS AND METHOD OF MANUFACTURING SAME

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Request for Reconsideration is being filed in response to the Office Action dated September 13, 2001 (Paper No. 29).

Claim 22 was rejected as being unpatentable over U.S. Patent 5,803,162 to Karbach et al. in view of U.S. Patent 4,262,659 to Brzezinski, newly cited, and U.S. Patent 4,546,825 to Melnyk et al. Reconsideration is requested.

Lines 57-64 in column 1 of the Brzezinski patent describe embodiments of U.S. patent application 06/031,227 rather than an embodiment of the invention forming the subject matter of the Brzezinski patent relied on. It is apparent from lines 59-64 in column 1 of the Brzezinski patent that the embodiments described are considered disadvantageous from a cost effectiveness standpoint.

The tab members 15 of the Brzezinski panel are cut out and bent away from a base sheet 9; this is described, for example, from column 5, line 51 to column 6, line 8. The

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openings created by cutting out the tabs 15 have to be closed in order to obtain a fluid tight housing or channel. Such a design corresponds exactly to the design of the Karbach et al. patent. It is respectfully submitted, therefore, that the conclusion set forth by the Examiner on page 3 of the Office Action, namely that Brzezinski recognizes directly welding lugs to tube walls for the purpose of minimizing material and weight of a heat exchanger, is not in fact correct. Nothing properly relied on by the Examiner, therefore, suggests the "arranging" operation particularly defined by claim 22 of this application, and claim 22 is patentable in its present form.

The rest of the claims remaining in this application are dependent claims and are patentable as well.

This application is now in condition for allowance. Should the Examiner have any questions after considering this response, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

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